

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

UNIVERSITY OF NEBRASKA AT  
KEARNEY, et. al;

Defendants.

**4:11CV3209**

**MEMORANDUM AND ORDER**

The parties' joint motion, (Filing No. 85), is granted, and the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on **May 13, 2014**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **April 29, 2014 at 10:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on April 28, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on **January 14, 2014 at 10:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadlines for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):  
For the defendant(s):  
Plaintiff's rebuttal:

November 4, 2013  
December 3, 2013  
December 23, 2013

- 5) The deadline for completing fact discovery is October 1, 2013.
- 6) All expert discovery, including depositions, shall be completed by December 30, 2013.
- 7) Motions to compel Rule 33 through 36 discovery must be filed by December 16, 2013.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is January 27, 2014.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is February 24, 2014.
- 10) **The parties are hereby notified that no further continuances will be granted absent a substantial threshold showing of good cause.**

July 17, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge